



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,159	12/21/2001	Douglas Deeds	042933/297034	5211

826 7590 12/21/2005

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,159	DEEDS ET AL.	
	Examiner	Art Unit	
	FIRMN BACKER	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-27 and 33-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-27 and 33-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21-27 and 33-42 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Shin et al (U.S. PG Pub No. 2002/0010698).
3. As per claim 21, 36, 37, Shin et al teach a method for providing selected content to a user device (clocking server 20 in network mobile device, 41 Fig 2A, 4) (see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023), the method comprising receiving an indication of selected content presenting at least a one locking requirement including a the first locking requirement associated with the selected content to the user device (see paragraphs 0024, 0025, 0029), receiving selection of at least first locking requirement at the network based device from the user device in response to presenting the at least first locking requirement, and providing from the network based device to the user device the selected content to the wireless mobile device together with the at least the first locking requirement following selection of the content and at least the first locking requirement to permit the selected content to be operated upon pursuant to at least a selected one of the at least the first locking requirement (see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023).

4. As per claim 22, 39, Shin et al teach a method at a wireless device for providing selected content comprising transmitting an indication of selection of which of the plurality of content is form the selected content to the wireless mobile device receiving at least a one locking requirement including a first locking requirement associated with the selected content selecting the acceptance of the first selected locking requirement in response to presenting the at least first locking requirement at the wireless mobile device and receiving the selected content and storing the selected content and operating upon the selected content in accordance with the selected one of the at least the first locking requirement see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023).

5. As per claim 23, Shin et al teach a method further comprising the operation, wireless mobile device, of determining when the selected one of the first locking requirement is met (see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023).

6. As per claim 24, 40, Shin et al teach a method further comprising the operation subsequent to the operation of determining of unlocking the selected content data to release the selected content out of the selected one of the at least the first locking requirement (see paragraphs 0024, 0025, 0023).

7. As per claim 25, Shin et al teach a method further comprising the operation of notifying the network-based device of determination made during the operation of determining that the

Art Unit: 3621

selected one of the first locking requirement is met (see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023).

8. As per claim 26, Shin et al teach a method further comprising the operation of dispensing network based device during the operation of determining a reward to a user associated with the wireless mobile device subsequent to notifying the (see figs 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023).

9. As per claim 27, Shin et al teach a method wherein the operations of presenting and selectably providing are performed by sending a message from the network-based device that contains both the selected content and the at least the first locking requirement (see figs 2A, 2B, paragraphs 0010, 0011, 0022, 0023).

10. As per claim 33, Shin et al teach a method wherein the selected content of the plurality of content comprises advertising content and wherein the method further comprises the operation of displaying the advertising content at the wireless mobile device according to the at least the first locking requirement (see figs 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023.).

11. As per claim 34, Shin et al teach a method wherein the at least the first locking requirement comprises a manner by which to display the advertising content in human perceptible form (see paragraphs 0024, 0025, 0029).

12. As per claims 35, 42, Shin et al teach a wireless mobile device operable in a radio communication system, an improvement of apparatus for operating upon selected content selected from a plurality of content stored at a network-based device and delivered to the wireless mobile device, the apparatus comprising a content manager embodied at the wireless mobile device, the content manager for managing the selected content once delivered to the wireless mobile device, management of the selected content provided by the content manager comprising selectably locking the selected content pursuant to a locking requirement, determining when the locking requirement is met, and unlocking the selected content when the locking requirement is determined to have been met (see figs 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023).

13. As per claims 38 and 41, Shin et al teach a method further providing an indication of a reward (see figs 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023).

Response to Arguments

14. Applicant's arguments filed October 13th, 2005 have been fully considered but they are not persuasive.

- a. Applicant argue that the prior art fail to teach or suggest a network device with at least one locking requirement and then receives form the user a selected locking requirement and only thereafter provides the selected content from the network based device to the user with the locking requirement. Applicant argues in contrast that the Shin '698 describes a method where the user device downloads an electronic document that is

Art Unit: 3621

already associated with the locking requirement. Shin '698 teaches in fig 3A a flowchart showing a process for applying locking function to an electronic document according to the present invention, comprising the steps of starting, preparing an electronic document (step 301), *determining whether locking function is selected* (step 302), selecting locking function (step 303), inputting a locking condition (step 304), inputting a guide message (step 305), storing an electronic document in a plain document storage means (step 306), and storing an electronic document in locked document storage means (step 307). Shin further teach that the selected locking function is provided from the locking management and at least one locking method is selected among those provided from the locking management server 20 based on selection of locking function. The locking management server 20 specifies a locking condition corresponding to the selected locking method, so that the drafter writes down the reading commencement date, the identifier of a specified reader or a predetermined quiz.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

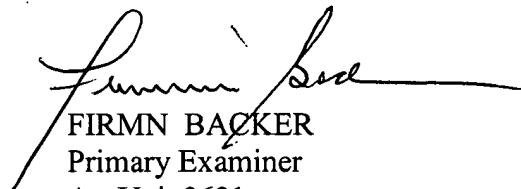
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


FIRMN BACKER
Primary Examiner
Art Unit 3621

December 19, 2005